

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
IN RE VEECO INSTRUMENTS INC. : No. 7:05-MD-01695-CM-GAY
SECURITIES LITIGATION :
-----x
THIS DOCUMENT RELATES TO: :
ALL ACTIONS :
-----x

**NOTICE OF MOTION AND MOTION
IN LIMINE TO PRECLUDE EVIDENCE
REGARDING VEECO'S USE OF FISCAL QUARTERS**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that, upon the accompanying memorandum of law and papers in support thereof, and all prior papers and proceedings had herein, Defendants in this action will move this Court, before the Honorable Colleen McMahon, at a date and time to be determined by the Court, for an order to Prelude Evidence Regarding Veeco's Use Of Fiscal Quarters.

Dated: New York, New York
June 6, 2007

GIBSON, DUNN & CRUTCHER LLP

By: *Ross Wallin*
John A. Herfort (JH-1460)
Robert F. Serio (RS-2479)
J. Ross Wallin (JW-3911)

200 Park Avenue
New York, New York 10166-0193
Phone: (212) 351-4000
Fax: (212) 351-4035

Attorneys for Defendants